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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,865	11/26/2002	John Yupeng Gui	121985-1/YOD (GERD:0776)	3389
6:147 7590 10/06/2009 GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309				
EXAMINER GLASS, RUSSELL S				
ART UNIT 3687		PAPER NUMBER		
NOTIFICATION DATE 10/06/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/065,865

Applicant(s)

GUI ET AL.

Examiner

R. SHAY GLASS

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate ¶s of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 27-33, 36-39, 48-51, 55-59, 67 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Catan, US Pub. No. 2002/0143643.**
2. Regarding claim 27, Catan shows a system for enabling enhanced asset management and tracking capabilities, comprising:
 - a plurality of electronic asset identification and intelligent sensing devices,

wherein each of the plurality of electronic asset identification devices is affixed to an asset whose location and information are to be managed, (see Catan, fig. 2 #225)(disclosing MRL device T),

wherein each of the plurality of asset identification and intelligent sensing devices includes at least unique identification information relating to the asset to which it is affixed, (see Catan, ¶ 62), and

at least one sensing element for monitoring environmental or operating conditions, (see Catan, ¶ 62)(disclosing MRL device);

- an asset management server computer system for maintaining at least one database containing information regarding the asset identification and intelligent sensing devices and the assets to which they are affixed, (see Catan, ¶ 62)(disclosing network and LAN servers);
- a remote client computer system operatively connected to the asset management server computer system for exchanging information over a computer network, (see Catan, fig. 1, computer #190); and
- at least one interrogation device operatively connected to the remote client computer system, wherein the at least one interrogation device receives information from the plurality of asset identification and intelligent sensing devices and exchanges said information with the remote client computer system (see Catan, fig. 1, portable reader #100).

3. Regarding claim 47, please see the comments regarding claim 27 above. Catan also shows the limitation wherein the plurality of electronic asset identification and intelligent sensing devices include:

- at least one sensor element, (see Catan, ¶ 62),

- a processing unit operatively connected to the sensor element, (see Catan, ¶ 164),

wherein the processing unit includes

- at least recording, storing and transmitting processing capabilities, (see Catan, ¶ 164),

- a power supply operatively connected to the processing unit (a power supply is an inherent feature in all modern computers),

- a memory operatively connected to the processing unit and the power supply, (see Catan, ¶ 164),

- a radio frequency transceiver operatively connected to the processing unit and the power supply (¶ 65), and

- an antenna operatively connected to the radio frequency transceiver and the power supply (antennas are inherent in devices operating via radio frequencies).

4. Regarding claim 28, Catan shows the limitation wherein the plurality of electronic asset management devices include radio frequency identification tags, (see Catan, ¶ 59).

5. Regarding claims 29 and 48, Catan shows the limitation wherein the at least one interrogation device includes a fixed radio frequency identification tag reader, (see Catan, ¶ 59).

6. Regarding claims 30, 31, 49 and 50, Catan discloses the limitation wherein

- the at least one interrogation device includes a handheld radio frequency identification tag reader, (see Catan, ¶ 59); and

- wherein the handheld radio frequency identification tag reader is a handheld computing device, (see Catan, fig. 1, # 100).

7. Regarding claim 32, Catan discloses a handheld computing device operatively connected to the remote client computer system, wherein the handheld computing device receives information

from the plurality of asset identification and intelligent sensing devices and exchanges said information with the remote client computer system, (see Catan, fig. 1). Catan further discloses the limitation wherein the remote client computer system is the handheld computing device, (see Catan, fig. 1)(disclosing that #100 is operatively connected to the LAN server #150 or Network Server #140 via the network/internet #130).

8. Regarding claims 36 and 55, Catan expressly shows the limitation wherein the remote client computer system is a laptop or notebook style computer system, (see Catan, ¶ 61).

9. Regarding claims 39 and 58, Catan shows additional remote client computer systems operatively connected to the asset management server computer system for enabling users to access information contained on the asset management computer system (see Catan, fig. 1, #'s 170, 175, 180, 185, and 190), and enabling users to modify said information, (Catan, ¶¶ 127-128).

10. Regarding claim 59, Catan expressly shows the limitation wherein users operating the additional remote client computer systems are provided specialized access depending upon login information received by the asset management server computer system, (see Catan, ¶ 67)(disclosing customized user profiles).

11. Regarding claims 33 and 51, Catan expressly shows the limitation wherein the asset management server computer system further comprises at least one web application server computer system for serving a plurality of interactive web pages relating to the asset identification and intelligent sensing devices and the assets to which they are affixed, (see Catan, fig. 9).

12. Regarding claims 37, 38, 56 and 57, Catan shows that a portable device such as a phone or PDA receives information from the plurality of asset identification and intelligent sensing devices and exchanges said information directly with the remote client computer system and asset management server system, (See Catan, fig. 1). Catan also shows the limitation wherein

- information is synchronized between the device and the remote client computer system, such that changes to the information made on the device are translated to the information maintained on the remote client computer system, (See Catan, fig. 1, # 195); and wherein
- information is synchronized between the remote computer system and the asset management server computer system, such that changes to the information made on the remote client computer system are translated to the information maintained on the asset management server computer system, (See Catan, fig. 1, # 195).

13. As per claims 67 and 68, Catan discloses unique identification information comprising an alphanumeric electronic identification code, (see Catan, ¶ 59)(disclosing high data density transmission methods including scanning of printed symbols such as two-dimensional bar-codes, contact reading of a memory token such as an iButton.RTM. or smart cards, or reading of a magnetic stripe on a surface).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (2003/0227382).

15. Regarding claim 34, the following limitations are not expressly shown by Catan, but would have been obvious to one of ordinary skill in the art at the time of the invention:

- at least one hypertext transfer protocol server computer system operatively connected to the web application server computer system , (see Catan, ¶ 128); and
- at least one authentication server computer system operatively connected to the hypertext transfer protocol server for performing authentication and logon services, wherein the authentication server computer system is further operatively connected to an LDAP directory system for facilitating user login and authentication, (see Catan, ¶¶ 10, 23)(disclosing user passwords and modern search technology), and
- wherein information exchanges initiated by the remote client computer system result in a first connection between the remote client computer system and the at least one authentication server computer system (see Catan, ¶ 10 and fig. 1)(disclosing user passwords and communication between the remote client and the server).

Modification of this system to utilize a separate server computer system to control authentication and to use an LDAP directory system for facilitating user login is a matter of design choice and would have been obvious in light of the system disclosed by Catan, since an LDAP directory system was well known at the time of the invention, and provides the same login functionality taught by the Catan reference.

16. Claims 35, 52, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan in view of Ulrich et al (6,344, 794).

17. Regarding claims 35, 52, and 54, the examiner notes that the claim limitations are directed toward a collection of web pages, which Ulrich discloses (column 1, lines 40- 54). The intended use of such web pages is given little patentable weight, and the web pages in and of themselves are considered to be non-functional descriptive material and will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP. 2106.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Catan and Ulrich. The motivation would have been to better convey data indicating a topic about which information is sought, (see Catan, Abstract).

18. Regarding claim 53, please see the comments above regarding the authentication server computer system in the rejection of claim 34, which are incorporated herein by reference. Catan also discloses the limitation wherein the web server application serves different web pages depending upon login information received from the remote client computer system, (see Catan, ¶ 67)(disclosing customized user profiles).

19. Claims 40, 41, 44, 46, 60, 61, 64 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan in view of Katagishi et al (2003/0120745).

20. Regarding claims 40 and 60, Catan does not expressly show the limitation wherein the at least one interrogation device further comprises a computer software application resident thereon, wherein the computer software application incorporates one or more instructions for

wirelessly determining the presence of a plurality of electronic asset identification and intelligent sensing devices. However, Katagishi shows this limitation (¶ 19: The cell phone disclosed by Katagishi is capable of reading RFID tags on products when they are in range. When the cell phone displays product information to the user, it shows that the presence of one or more items was determined. Although not expressly stated, the cell phone of Katagishi must contain software instructions for carrying out the aforementioned presence determination process. With regards to determining the presence of electronic intelligent sensing devices, Catan discloses that this data is transmittable along with the location data stored on the asset identification devices, see ¶ 40).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system and method of Catan by adding the above limitations taught by Katagishi in order to provide more flexibility when gathering information from the electronic asset identification and intelligent sensing devices. This reasoning is applied to claims 41, 44, 46, 61, 64 and 66 below by reference.

21. Regarding claims 41 and 61, Catan does not expressly show the following limitations, but they are shown by Katagishi:

- one or more instructions for determining whether a selected electronic asset identification and intelligent sensing device is within a range of the interrogation device (¶ 19: The user selects the asset by bringing the information receiving terminal, or "interrogation device ", within the proximity of item of interest. The interrogation device then shows the user that the asset is within range by displaying information about the asset);
- one or more instructions for indicating the presence of the selected electronic asset

identification and intelligent sensing device to the user (§ 19: Successfully displaying information about a selected asset is a form of indicating the presence of that asset); and

- one or more instructions for enhancing the indication of the presence of the selected electronic asset identification and intelligent sensing device upon increasing proximity to the selected electronic asset identification device (§ 19: When the item of interest is out of range, the information receiving terminal of Katagishi displays no information about the item, thereby indicating to the user that the item is not in range. When the user increases proximity enough to come into range, however, the terminal "enhances the indication of the presence" of the item by actually displaying information about the item). It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the system and method of Catan by adding the above limitations taught by Katagishi in order to better facilitate the use of a mobile interrogation device.

22. Regarding claims 46 and 66, Catan in view of Katagishi does not expressly show the limitation wherein the computer software application further comprises one or more instructions for receiving an indication from the user that a selected asset has been rejected in view of received monitored environmental or operating conditions information. However, in light of the fact that Catan discloses using monitored environmental or operating conditions information (see Catan, § 26)(disclosing, *inter alia*, weather), allowing a user to reject an asset based on this information is an obvious variant of the system disclosed by Catan. It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the system and method of Catan in view of Katagishi by adding the ability to allow a user to reject

an asset based on monitored environmental or operating conditions information in order to facilitate the process of establishing liability for damages.

23. Regarding claims 44 and 64, Catan shows the limitation wherein the computer software application further comprises one or more instructions for synchronizing local asset management and monitored environmental or operating conditions information with asset management and monitored environmental or operating conditions information received from the asset management server computer system for a selected group of assets, (see Catan, fig. 1, #195, ¶ 26).

24. Claims 42-43 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan in view of Katagishi as applied to claims 40 and 60 above, and further in view of official notice.

25. Regarding claims 42 and 62, Catan in view of Katagishi shows a graphical display that is used to convey information to the user regarding an interrogated item (Katagishi: Figs. 10 and 13) and an indication that the selected asset has an electronic asset identification and intelligent sensing device affixed thereto (Katagishi: ¶ 19: The indication is provided by the fact that if an item of interest is not tagged, no information will be displayed. With regards "to determining the presence of electronic intelligent sensing devices, Catan discloses this, (see Catan, fig. 1, #110). Data is transmittable along with the location data stored on the asset identification devices, (see Catan, ¶ 107), along with an indication regarding the presence of the affixed electronic asset identification and intelligent sensing device (Katagishi: ¶ 19: Likewise, if an item is tagged, the indication of this will be provided by the fact that information pertaining to that item is displayed. With regards to determining the presence of electronic intelligent sensing devices,

Catan discloses that this data is transmittable along with the location data stored on the asset identification devices, (see Catan, ¶ 107). Catan in view of Katagishi does not expressly show:

- one or more instructions for displaying asset management and monitored environmental or operating conditions information regarding a selected asset, wherein the asset management and monitored environmental or operating conditions information includes an indication regarding whether the selected asset has been confirmed;
- an indication regarding the storage status of the selected asset; and
- a graphical display of the monitored environmental or operating conditions information.

However, the examiner takes official notice that it is notoriously old and well-known in the art to display information pertaining to the specific functional parameters associated with a given system. Catan already discloses the use of asset identification and intelligent sensing devices in conjunction with one another and their ability to monitor environmental or operating conditions, and Katagishi discloses the use of a mobile device such as a cell phone to interrogate such asset identification and intelligent sensing devices on items.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the system and method of Catan in view of Katagishi by adding the above limitations in order to provide a means to convey to the user of the interrogation device pertinent, asset-related information. This reasoning is applied to claims 43 and 63 below by reference

26. Regarding claims 43 and 63, Catan in view of Katagishi shows:

- one or more instructions for scanning the asset location area to identify the presence therein of electronic asset identification devices (Katagishi: ¶ 19: By displaying information pertaining to

an item, the information receiving terminal shows the user that it has scanned and identified the presence of an RFID tag, or "electronic asset identification device").

Catan in view of Katagishi does not expressly show:

- one or more instructions for receiving an asset location area description; and
 - one or more instructions for determining whether identified electronic asset identification devices correspond to information received from the asset management server computer system.
- However, the examiner takes official notice that it is notoriously old and well-known in the art to transfer any form of asset-related information during an electronic asset identification device interrogation process, including an asset location area description.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the system and method of Catan in view of Katagishi by adding the ability to receive an asset location area description in order to increase the specificity of asset information provided to the user of the interrogation device. The examiner also takes official notice that it is notoriously old and well-known in the art to verify the consistency of information when receiving information from a plurality of sources. In the instant case, Katagishi discloses that its system comprises an information transmitter, or an "electronic asset identification device", that sends a server access address to an information requesting unit, or an "interrogation device" (§ 16). This server access address is then used to download information about the item from said server.

In this case, it would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the system and method of Catan in view of Katagishi by adding the ability to determine whether an identified electronic asset identification devices

correspond to information received from the asset management server computer system in order to increase the user's confidence in the system by maintaining a consistency of information between the server and the asset identification devices.

27. Claims 45 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan in view of Katagishi as applied to claims 40 and 60 above, and further in view of Radican (6,148,291).

28. Regarding claims 45 and 65, Catan in view of Katagishi does not expressly show the following limitations, but they are shown by Radican:

- one or more instructions for receiving a user confirmation that a selected asset has been received (column 15, lines 5-10); and
- one or more instructions for receiving exception information relating to the selected asset (column 3, line 66 - column 4, line 3).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the system and method of Catan in view of Katagishi by adding the above limitations taught by Radican in order to increase the specificity of the asset-related information provided to the user.

Response to Arguments

Applicant's arguments, see Applicant's remarks and Declaration of Joseph Salvo, filed 5/19/2009, with respect to the rejection(s) of all pending claims under the Breed reference, US Pub. No. 2003/0227382 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Catan, US Pub. No. 2002/0143643.

Applicant did not traverse the previous Examiner's assertion of Official Notice as to claim elements and as such, it is herein indicated, in this the next office action, that the common knowledge or well-known in the art statements provided by the Examiner in the last office action are now taken to be admitted prior art as provided in MPEP 2144.03 because Applicant did not traverse the examiner's assertion of official notice in their next amendment. As such, the rationale and reasoning for Official Notice provided in the last office action are incorporated herein by reference as to those claim elements addressed in the last office action and not otherwise addressed in this office action.

Conclusion

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. SHAY GLASS whose telephone number is (571)272-7285. The examiner can normally be reached on weekdays between 9AM and 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW GART can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. SHAY GLASS/
Examiner, Art Unit 3687

/Vanel Frenel/

Primary Examiner, Art Unit 3687

September 30, 2009